

butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, by Powers Moore Co., from Negley, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, putrid, and decomposed animal substance.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22433. Misbranding of mayonnaise. U. S. v. 10 Cases of Mayonnaise. Default decree of destruction. (F. & D. no. 32407. Sample no. 39451-A.)

Sample jars of mayonnaise taken from the shipment involved in this case were found to contain less than 9 ounces, the labeled volume.

On March 23, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of mayonnaise at Augusta, Ga., alleging that the article had been shipped in interstate commerce, on or about February 9, 1934, by the Louisiana Baking Corporation, from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty-Lou Mayonnaise New Orleans, La. Net Weight Not less than 9 Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the jar, "Net Weight Not less than 9 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 18, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22434. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of destruction. (F. & D. no. 32412. Sample no. 41269-A.)

This case involved a shipment of confectionery that contained alcohol. The article was labeled with a false, misleading, and deceptive statement that it was not a confection.

On March 21, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Midwest Candy Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Old Time Favorite Cordials Not a Confection."

It was alleged in the libel that the article was adulterated under the provisions of the law relative to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement, "Cordials, Not a Confection", was false and misleading and deceived and misled the purchaser.

On May 2, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22435. Misbranding of canned cherries. U. S. v. 50 Packages of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32421. Sample no. 60802-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than the weight declared on the label.

On April 9, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages, each containing six cans of cherries, at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by the Paulus Bros. Packing

Co., from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Johnson's Bestovall Brand Choice Pitted Royal Anne Cherries Contents 6 Lbs. 14 Oz. H. A. Johnson Co., Boston and New York, Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 6 Lbs. 14 Oz.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 20, 1934, Paulus Bros. Packing Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the deposit of cash bond in the sum of \$150, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22436. Adulteration and misbranding of milk chocolate coating. U. S. v. 510 Cases of Chocolate Coating. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32423. Sample nos. 47713-A, 48217-A.)

This case involved a product represented to be milk chocolate coating, in which skimmed milk solids had been substituted for whole milk solids.

On March 24, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 510 cases, each containing 5 ten-pound slabs of chocolate coating, at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about February 6 and March 6, 1934, by the Boldemann Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Slab wrapper) "Boldemann's Sweet Coating Fernridge Milk Made by Boldemann Chocolate Co. San Francisco, U. S. A."

It was alleged in the libel that the article was adulterated in that a substance containing skimmed milk solids had been substituted for said article.

Misbranding was alleged for the reason that the statement on the slab wrapper, "Sweet Coating Fernridge Milk", was false and misleading and deceived and misled the purchaser when applied to chocolate coating which contained skimmed milk solids.

On April 19, 1934, the Boldemann Chocolate Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered. The court having found that the product might be relabeled to conform to the requirements of the law and that all costs of the proceeding had been paid, ordered that it be released to the claimant upon the execution of a bond in the sum of \$1,700, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22437. Misbranding of salad oil. U. S. v. 22 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 32424. Sample no. 67425-A.)

This case involved a product that consisted largely of domestic cottonseed oil, but which was labeled to convey the impression that it was imported olive oil.

On March 27, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cans of salad oil at Stafford Springs, Conn., alleging that the article had been shipped in interstate commerce, on or about January 25, 1934, by P. Esposito & Bros., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Gloriosa Brand * * * La Gloriosa Packing Co., P. E. & B. Inc. N. Y."

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finissimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, appearing on the label, and the prominence given to the words "Lucca Olive Oil", in the statement on the label, "Pure and Delicious Oil Composed of Eighty Five Percent